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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/002,356

10/30/2001

Mark D. Seaman

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EXAMINER

HUYNH, BA

ART UNIT

PAPER NUMBER

2179

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

01/18/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/002,356

Applicant(s)

SEAMAN ET AL.

Examiner

Ba Huynh

Art Unit

2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/02/06 has been entered.

Claim Rejections - 35 USC § 112

Claims 1-52 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The amended limitations “*automatically identify digital media elements to be included in the multimedia presentation based on user defined criteria and similar digital media elements that were recorded contemporaneously*” and “*automatically place the identified digital elements on edit lines of a graphical timeline and overlap the similar digital media elements on the edit lines of the timeline*” (claim 1, and similarly claims 1, 14, 18, 35, 42) was not clearly described in the specification.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

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Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-17, 42-48 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Independent claim 1 recites "A computer program stored on a non-printed tangible computer readable medium, the program for..." Computer program per se is non-statutory subject matter. The applicant is suggested to rephrase the claim as follow to comply with statutory subject matter: "A computer readable storage medium having stored thereon a program for composing a multimedia..."

Independent claims 14 and 42 recite "A system for composing...". The system as recited comprises "means for..." which appear to be software per se, which are non-statutory.

Claim Objections

Claims 22-27 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 22 recites "The system of claim 21" which appears to be a typographical error since claim 21 is a method claim.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over US patent 6,833,848 (Wolff) in view of US patent application publication 2002/0167538 (Bhetanabhotla).

- As for claims 1, 13, 14, 18, 28, 35, 38, 42, 45: Wolff teaches a computer implemented method and corresponding apparatus usable in a general purpose computer system 700 for composing a multimedia presentation from a plurality of media elements, the plurality of media elements including audio media elements and image elements (3:38-40), digital media elements are retrieved from Internet responsive to search queries (3:45-50, 11:54-12:43), automatically placing identify digital media element to be included in the presentation based on user defined criteria (3:44-45), automatically placing the identified digital media elements on edit lines of a graphical timeline and allowing the user to interactively manipulate the digital media elements on the edit line of the timeline (3:55-56, 4:49-5:62), the image elements including at least one still image (7:20-23), comprising the steps/means, program logic configured to compose a slide show (12:5-10, i.e., "the initial presentation"). Although Wolff teach that the media elements are arranged in chronological order based on automatic timestamps (3:41-43, 4:54-57, 5:8-10), Wolff is silent regarding the *automatic* arranging the media elements based on time stamps. However, in the same field of slide presentation of digital album, Bhetanabhotla teaches the automatic arranging media elements of a slide presentation based in part on the time stamps of the media elements (0018, 0034-0036, 0055, 0113, 0152, 0154). It would have been obvious to one of skill in the art, at the time the invention was made, to combine

Bhetanabhotla's teaching of automatic arranging the media elements based on the time stamps to Wolff's temporal ordered media elements. Motivation of the combining is for avoiding the time consuming manual arrangement. The control setting for specifying the duration of the slides is inherently included in Wolff's teaching of slide show. Even if it is not, implementation of means for setting the duration of the slides in a slide show is well known in the art and is disclosed by Bhetanabhotla (0089, 0155, 0156. See also Lin's 0051-0053). It would have been obvious to one of skill in the art, at the time the invention was made, to combine Bhetanabhotla's teaching of the means for specifying the duration of the slides to Wolff. Motivation of the combining is for user control of the slide presentation. As image elements are chronologically ordered, associated audio elements are also placed in the same order (Wolff's 3:38-43).

- As for claims 2, 15, 19: An initial presentation is displayed (Wolff's figs 1, 2).
- As for claims 3, 5, 7, 16, 20, 40, 47: Wolff's figs 1, 2 disclose the displaying of image tracks and sound tracks showing the order of media elements. The composing of the slide presentation including reordering the images (Wolff's 5:8-67).
- As for claims 4, 6, 17, 21: Wolff's figs 1, 2 disclose the displaying of a sound line showing the order of expression of sound elements for editing is well known as disclosed by Wolff (see also 3:22-32, 59-65; 6:1-7).
- As for claims 8, 23: In light of the combining, a presentation based in part on the duration time of at least one still image (Bhetanabhotla's 0155).
- As for claim 9: The presentation is edited in part by the user (Wolff's 4:43 – 5:34).

- As for claims 10, 11, 25, 26: Graphic and text elements can be added to the presentation (Wolff's 6:1-2).
- As for claims 12, 27: The control setting can be reset by the user (Bhetanabhotla 0155).
- As for claims 22, 24: The editing including reordering the images (Wolff's 5:8-67).
- As for claim 29: In light of the combining, media elements are automatically placed in chronological order.
- As for claims 30, 31, 39, 46: As image elements are chronologically ordered, associated audio elements are also placed in the same order (Wolff's 3:38-43).
- As for claim 32: The initial presentation can be edit by the user (Wolff's 4:49 – 6:28).
- As for claim 33: An image line is displayed in coordination with display of the presentation (Wolff's figs 1-2).
- As for claim 34: An audio line is displayed in coordination with display of the presentation (Wolff's 3:22-32, 59-65; 6:1-7, figs 1-2).
- As for claims 36, 43: The control settings are user-selected control settings (Bhetanabhotla's 0155).
- As for claims 37, 44: The control settings include a duration that still images are to be displayed (Bhetanabhotla 's 0155).
- As for claims 41, 48: It is inherently in Wolf that image editing includes editing the initial presentation to create a final presentation (see also Wolf's description of track 115).

- As for claims 49: The time of recording is based on a time stamp associated with the media elements (Wolff 3:38-42, 4:54-57; Bhetanabhotla 's fig 4).
- As for claim 50: The user-selected images are arranged in chronological order (Wolff's 5:8-10, 4:54-57; Bhetanabhotla 's 0034).
- As for claim 51: Media elements can be bounded together, i.e., individual photograph can be bound with another photograph or an audio element (3:22-24, 38-40). Bounding of the elements is based on the timestamp of the element (4:54-57, 11:38-41).
- As for claim 52: Per Bhetanabhotla, time attribute is specified by the user. Thus a media element in a bound sequence can be unbound by re-specifying the time (0034, 0036, fig 4).

Response to Arguments

3. Applicant's arguments have been considered but are not deemed persuasive.

REMARKS:

Wolff et al teach that the time of capture of a photograph object is stored along with the object (3:41-43). Photographs are ordered in track 105 by the timestamps (4:54-57). Searching for digital media elements in an external Internet database is disclosed by Wolff (3:45-50, 11:54-12:43). Photographs in timeline tracks are generated automatically as a result of a query (4:65-5:7). Thus it appears that the photographs in track 105 are arranged automatically according to timestamps, not by the user manual operation. Even if it is not, arranging the photographs automatically according to timestamps is disclosed by Bhetanabhotla. It would have been obvious to combine Bhetanabhotla's teaching of chronologically arranging the photographs

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automatically according to timestamps to Wolff's manually arranging the photographs in chronological order according to timestamps. Motivation of the combine is for the obvious advantage of increasing processing speed and reducing labor work. The combined Wolff & Bhetanabhotla would provide a presentation having photographs automatically arranged in chronological order according to timestamps. As image elements are chronologically ordered, associated audio elements are also placed in the same order (Wolff's 3:38-43).

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ba Huynh whose telephone number is (571) 272-4138. The examiner can normally be reached on Mon - Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (571) 272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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PRIMARY EXAMINER